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5 (775) 329-7557

6 Attorney for Defendant

7 UNITED STATES DISTRICT COURT  
8  
9 FOR THE DISTRICT OF NEVADA

10 WASTE MANAGEMENT OF NEVADA )

11 Plaintiff, )

12 vs. )

13 INTERNATIONAL BROTHERHOOD OF )  
14 TEAMSTERS, LOCAL UNION 533 )

15 Defendant. )

CASE NO.: 3:18-cv-00539  
LRH-WGC

16 ANSWER

17 COMES NOW Defendant International Brotherhood of  
18 Teamsters, Local Union 533, by and through its undersigned  
19 attorney, and hereby files its Answer to the Complaint filed  
20 November 9, 2018.

21 INTRODUCTION

22 1. In response to paragraph 1 of the Complaint,  
23 Defendant denies the allegations set forth therein with the  
24 exception that the collective bargaining agreement referred to  
25 therein speaks for itself.  
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**PARTIES, JURISDICTION AND VENUE**

2. In response to paragraphs 2 and 3 of the Complaint, Defendant admits the allegations contained therein.

3. In response to paragraph 4 of the Complaint, Defendant denies the allegations contained therein.

**FACTUAL BACKGROUND**

4. In response to paragraph 5 of the Complaint, Defendant admits the allegations contained therein.

5. In response to paragraphs 6, 7, 8, and 9 of the Complaint, Defendant submits the document speaks for itself. As to any interpretation of said document stated within said paragraphs Defendant denies the allegations contained therein. *Waste Management Memorializes Its Meal and Break Guideline*

6. In response to paragraph 10 of the Complaint, Defendant asserts the document speaks for itself.

7. In response to paragraph 11 of the Complaint, based upon information and belief Defendant admits that on July 20, 2018, Plaintiff unilaterally issued "Meal and Break Guidelines for NCN Collection Truck Drivers."

8. In response to paragraph 12 of the Complaint, Defendant denies that the "Meal and Break Guidelines" are requirements that the truck drivers must follow when taking lunch breaks. As to the remaining allegations of said paragraph, Defendant admits the allegations related to the OBU device.

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1           9. In response to paragraph 13 of the Complaint,  
2 Defendant admits that during a meeting on August 20, 2018,  
3 between representatives of Plaintiff and Defendant a discussion  
4 was held concerning unpaid lunch breaks for Collection Truck  
5 Drivers and that representatives of Plaintiff Waste Management  
6 were not willing to modify the existing collective bargaining  
7 agreement. Except as specifically admitted herein, Defendant  
8 denies the allegations contained within paragraph 13 of the  
9 Complaint.

10           10. In response to paragraph 14 and 15 of the Complaint,  
11 Defendant admits the allegations contained therein.

12           11. In response to paragraph 16 of the Complaint,  
13 Defendant submits the document speaks for itself. To the  
14 extend necessary, Defendant denies any interpretative  
15 statements contained therein concerning Article 18, Section 5,  
16 of the collective bargaining agreement.

17           12. In response to paragraph 17 of the Complaint,  
18 Defendant admits that Plaintiff notified some employees and the  
19 Union that "failure to comply with the [new] Meal and Break  
20 Guidelines would result in discipline, to and including  
21 discharge." Except as specifically admitted herein, Defendant  
22 denies the remaining allegations of paragraph 17 of the  
23 Complaint.  
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25           13. In response to paragraphs 18, 19, 20, 21, and 22 of  
26 the Complaint, Defendant denies the allegations contained  
27 therein.  
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1           14. In response to paragraphs 23, 24, 25, 26, and 27, of  
2 the Complaint, Defendant denies the allegations contained  
3 therein.

4           15. In response to paragraph 28 of the Complaint, based  
5 upon information and belief Defendant admits the allegations  
6 contained therein.

7           16. In response to paragraph 29 of the Complaint,  
8 Defendant admits that Mr. Watson sent an e-mail to the Reno  
9 Mayor and City Council members on or about October 31, 2018.  
10 As to the remaining allegations, Defendant submits the document  
11 speaks for itself.

12           17. In response to paragraph 30 of the Complaint,  
13 Defendant admits Mr. Watson sent an e-mail on October 31, 2018,  
14 to the Reno Mayor and City Council members. Except as  
15 specifically admitted herein, Defendant denies the remaining  
16 allegations of said paragraph.

17           18. In response to paragraphs 31, 32, and 33, of the  
18 Complaint, Defendant submits the document speaks for itself.  
19 Except as specifically admitted herein, Defendant denies the  
20 remaining allegations of said paragraph.

21           19. In response to paragraph 34 of the Complaint,  
22 Defendant denies the allegations set forth therein.

23           20. In response to paragraphs 35 and 36 of the Complaint,  
24 Defendant is without information sufficient to form an opinion  
25 as to the truth of the matters asserted therein and, on that  
26 basis, denies the allegations contained therein.  
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1           21. In response to paragraph 37 of the Complaint,  
2 Defendant admits that Mr. Keast sent a letter on or about  
3 November 2, 2018, to Mr. Watson. Except as specifically  
4 admitted herein, Defendant submits the documents speak for  
5 itself and denies any interpretative statements concerning said  
6 document.

7           22. In response to paragraphs 38, 39, 40, 41, and 42 of  
8 the Complaint, Defendant submits the documents referenced  
9 therein speak for themselves. Except as specifically admitted  
10 herein, Defendant denies the allegations contained therein.

11           23. In response to paragraphs 43 and 44 of the Complaint,  
12 Defendant admits the allegations contained therein.

13           24. In response to paragraphs 45, 46, 47, 48 and 49 of  
14 the Complaint, Defendant denies the allegations contained  
15 therein.

16           25. In response to paragraph 50 of the Complaint,  
17 Defendant admits the allegations contained therein.

18           26. In response to paragraph 51 of the Complaint,  
19 Defendant asserts that it is without information sufficient to  
20 form a truth of the matter asserted therein and, on that basis  
21 denies the allegations contained therein.

22           27. In response to paragraphs 52, 53, 54, and 55 of the  
23 Complaint, Defendant asserts the documents referenced therein  
24 speak for themselves. Except as specifically admitted herein,  
25 Defendant denies the allegations contained therein.  
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1           28. In response to paragraph 56 of the Complaint,  
2 Defendant admits the allegations contained therein.

3           29. In response to paragraphs 57, 58, 59, 60, 61, and 62  
4 of the Complaint, Defendant submits the documents speak for  
5 themselves. Except as admitted herein, Defendant denies any  
6 interpretative explanation by Plaintiff contained within said  
7 paragraphs and, accordingly, denies said allegations.

8           30. In response to paragraph 63 of the Complaint,  
9 Defendant denies the allegations contained therein.

10          31. In response to paragraphs 64, 65, 66, 67, 68, and 69,  
11 of the Complaint, Defendant is without information sufficient  
12 to form an opinion as to the belief of the matters asserted  
13 therein and, on that basis, denies the allegations contained  
14 therein.

15                           **FIRST CAUSE OF ACTION**

16                           **(Injunctive Relief And Damages)**

17           32. In response to paragraph 70 of the Complaint,  
18 Defendant reasserts its responses given to paragraphs 1 through  
19 69 as if set forth herein in full.

20           33. In response to paragraphs 71 and 72 of the Complaint,  
21 Defendant admits the allegations contained there.

22           34. In response to paragraph 73 of the Complaint,  
23 Defendant submits the document speaks for itself.

24           35. In response to paragraph 74, 75, 76, 77, 78, and 79,  
25 Defendant denies the allegations contained therein.  
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**FIRST AFFIRMATIVE DEFENSE**

1           1. Defendant has failed to state a cause of action upon  
2 which relief can be granted.

**SECOND AFFIRMATION DEFENSE**

3           2. The court lacks jurisdiction as the issue is properly  
4 in the jurisdiction of the National Labor Relations Board.

**THIRD AFFIRMATIVE DEFENSE**

5           3. Plaintiff's Complaint is barred by the doctrine of  
6 clean hands.


7           **WHEREFORE**, Defendant Teamsters Local 533 prays for the  
8 following relief:

9           1. That the Court dismiss the Complaint in its full with  
10 prejudice; and

11           2. An award for attorney's fees and costs incurred in  
12 defense of this action; and

13           3. For such other and further relief as the Court deems  
14 just in the premises.

15           **DATED** this 19 day of November, 2018.

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21             
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28           Teamsters Local 533

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Michael E. Langton, Esq., and that on the 19<sup>th</sup> day of November, 2018, I served a true accurate copy of the foregoing **ANSWER** as follows:

- ☒ Deposited for mailing, first class postage prepaid;
- ☐ Deposited for mailing, certified/registered;
- ☐ Personal delivery to office;
- ☐ Fax Sent Prior to Mailing;
- ☐ Via E-mail

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